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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/810,679	02/28/1997	PAUL L. HICKMAN	ENVSP025BA	9229

7590

07/09/2002

Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114

EXAMINER

DINH, DUNG C

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/810,679

Applicant(s)

HICKMAN ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/29/2002 have been fully considered but they are moot in view of the new ground of rejection below.

Claim Rejections - Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 21-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 21-31 of copending Application No. 08/798,704. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim recite essentially equivalent limitations as follow:

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Claim 25 of present application:	Claim 1 of 08/798,704:
providing a host computer ... running a host program	(line 9) a host computer coupled to said network and being accessible by said client computer ...
providing a client ... wherein input device of said client computers can be used to generate input to said host computers ... (claim 30) ... wherein events are placed in the host computer's event queue.	(line 6) ... client program being capable of transmitting event ... including input device event (line 12) ... receiving said event data and placing said event data in an event queue of said host computer ...

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over "PC-Anywhere" as disclosed by Stanczak "Symantec re-energizes remote-control computing" and further in view of Adams et al. US patent 5,913,920 and Frese et al. US patent 5,909,545.

As per claim 1, Stanczak teaches a network accessible computer [a computer that run PC-Anywhere software] comprising:

a central processing unit and memory [inherent];

an interface coupling to a TCP/IP protocol network

[apparent since the computer can be access over the internet];

wherein the central processing unit implements a host computer program [PC-Anywhere] to operate as a network-accessible host computer for client computers [remote computers] coupled to the network, wherein input devices of the client computers can be used to generate inputs to said host computer and such that image information generated by said host computer can be viewed by displays of the client computers [inherent function of the remote-control program PC-Anywhere].

The article does not specifically discloses a client program transmitted to the client computer to operate in conjunction with a browser at the client computer for communication with the host computer program. Frese teaches a method for remote control of application on host computer by

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downloading client program operating in conjunction with a browser to the client. The method eliminate the need to pre-installing client program on the client computer [col.3 lines 42-47, col.9 lines 56-68]. Hence, it would have been obvious for one of ordinary skill in the art to provide downloadable client program for remotely control the host computer because it would have improved the system by enabling a user to initiate the remote session from any client computer having browser and Internet connection.

It is not clear from the article whether PC-Anywhere sends display image to the remote computer in incremental changes. In similar art, Adams teaches to transmit screen updates only for region of the display that changes [see col.6 lines 45-57 and col. 7 lines 50-68]. Hence, it would have been obvious for one of ordinary skill in the art to transmit only incremental changes of the screen image because it would have reduced bandwidth and improved the response time.

As per claims 21-23, Stanczak discloses PC-Anywhere can be embedded into a Web page. Hence it is inherent that the system can display the remote computer image in a browser as claimed and uses TCP/IP network.

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As per claim 24, it is inherent the remote client has JAVA applet. It would have been obvious for one of ordinary skill in the art to use JAVA applet to implement the remote client because it enable the client program to be cross platform compatible.

As per claims 25-26, they are rejected under similar rationales as for claim 1 above.

As per claim 27, it is rejected under similar rationale as for claim 24 above. It is known in the art the JAVA applet is download to the client viewing the Web page.

As per claim 28, Stanczak discloses using encryption.

As per claim 29, it would have been obvious for one of ordinary skill in the art to transmit the image once per time interval so as to control the update and prevent flooding the network.

As per claim 30, the recitation is inherent in the functioning of a host computer running the PC-Anywhere software.

As per claim 31, it is rejected under similar rationales for claims 27 and 30 above.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).


Dung Dinh
Primary Examiner
July 3, 2002